

REMARKS

Claims 1-12 remain pending in the present application. Claim 1 has been amended. Claims 11 and 12 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

REJECTION UNDER 35 U.S.C. § 112

Claim 10 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 10 has been amended to overcome the rejection. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-3, 8 and 10 are rejected under 35 U.S.C. § 102(e) or (b) as being anticipated by Ruppel (U.S. Pat. No. 6,688,292) or Ruppel (U.S. Pub. No. 2002/0011242), respectively. Applicant respectfully traverses this rejection. Claim 1 has been amended to define that the first and second heat exchangers exchange heat between the internal fluid and cooled air; that the first and second heat exchangers are disposed in series in a flowing direction of the cooled air; and that the first and second heat exchangers are overlapped in view from an upstream side of the flowing direction of the cooled air.

Ruppel US '292 and US '242 discloses that the heat exchanger (3) disposed on the upstream side of the exhaust air is made of copper, and the other heat exchanger (4, 5) disposed on the downstream side of the exhaust air is made of aluminum alloy.

Ruppel discloses that the internal fluid for cooling the exhaust air flows through the first heat exchanger (3) and the second heat exchanger (4, 5) in parallel, Ruppel does not disclose that the first and the second heat exchangers are disposed in series in the flowing direction of the internal fluid.

Further, Ruppel discloses that the charge air is cooled by the heat exchangers (4, 5). Therefore, Ruppel does not disclose that the internal fluid is cooled by the cooled air.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2, 3, 8 and 10, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of EP 0,522,288 and Ruppel, et al. (U.S. Pat. No. 6,688,292). Applicant respectfully traverses this rejection. The discussion above relating to amended Claim 1 applies to this rejection also. In addition, the discussion above relating to Ruppel, et al. applies to this rejection.

EP '288 discloses that a combined inter-cooler (2) is disposed in the flowing cooled air. Specifically, the inter-cooler (2) having the front cooler part (3) and the rear cooler part (4) is disposed on the upstream side and the downstream side of the flowing cooled air in the radiator (1). As described in page 5, lines 16-3.4 of English translation, the front cooler part (3) is deviated from the rear cooler part (4) in view of the front of the

automotive vehicle, since the performance of heat exchange of the radiator (1) and the rear cooler part (4) is improved. Specifically, the front cooler part (3) is deviated from the rear cooler part (4) in the up-and-down direction. Thus, EP '288 does not disclose that the first and the second heat exchangers are overlapped in view from the upstream side of the flowing direction of the cooled air.

NEW CLAIMS

New Claims 11 and 12 are dependent claims which Applicant believes properly further limit their dependent claims. Applicant believes that Claim 12 reads on the elected species.

REJOINDER

Applicant respectfully requests the rejoinder of Claims 4-7 and 9 as well as new Claim 11.

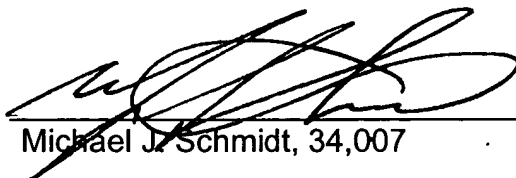
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 27, 2005

By: 
Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg